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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**
12

13 CLARA HAMILTON, an individual,
14

15 Plaintiff,

16 v.

17 BATTLEBORN MEDICAL MANAGEMENT,
LLC, a Nevada limited liability company; and
18 SAGEBRUSH HEALTH SERVICES, a
Nevada nonprofit corporation,
19

20 Defendants.
21
22

Case No.: 2-24-cv-02378-GMN-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY SCHEDULING
ORDER DEADLINES**

(FIRST REQUEST)

23 Plaintiff Clara Hamilton ("Plaintiff"), by and through her counsel of record, Greenberg
24 Gross LLP, and Defendants Battleborn Medical Management, LLC and Sagebrush Health Services
25 ("Defendants") by and through their counsel of record, Whitehead & Whitehead PLLC, hereby
26 stipulate and agree to extend the unexpired discovery deadlines for ninety days (90). This is the
27 parties' first request for an extension to the Discovery Plan and Scheduling Order. (ECF No. 15).

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1 **A. Discovery Completed to Date.**

2 To date, the parties have exchanged initial disclosures of documents and witnesses pursuant
3 to FRCP 26(a)(1). Defendants have served one supplement to their FRCP 26 disclosures. Plaintiff
4 also served Defendants written discovery on May 15, 2025, and responses and objections were
5 received on June 16, 2025. Defendants served Plaintiff written discovery on May 30, 2025. The
6 parties are continuing to supplement disclosures and discovery responses in accordance with the
7 rules of civil procedure.

8 **B. Discovery Which Still Needs to Occur.**

9 Plaintiff intends to take an FRCP 30(b)(6) deposition and depositions of Defendant's current
10 and former employees identified in Defendant's FRCP 26 disclosures and supplements thereto.
11 Plaintiff will likely conduct additional written discovery following said depositions.

12 Defendant intends to depose Plaintiff and the physicians who submitted documentation to
13 support and/or certify her various FMLA leave requests. Defendant also intends to subpoena records
14 from and depose the other employer(s) that Plaintiff was working for at the time of the events
15 described in her Complaint. Defendant will likely also need to obtain Plaintiff's medical records
16 via subpoena. The parties may conduct expert witness discovery and serve third-party subpoenas
17 for documents and to depose other witnesses. Further, the parties intend to exchange further written
18 discovery and documents.

19 **C. Proposed Schedule for Completing Remaining Discovery.**

20 1. **Fed R. Civ. P. 26(a)(2) Disclosures (Experts)** – the current deadline for
21 disclosures of expert witnesses, July 24, 2025, shall be extended ninety (90) days to Wednesday,
22 **October 22, 2025**. The August 25, 2025, deadline of disclosures of any rebuttal experts shall be
23 extended ninety-one (91) days to Monday, **November 24, 2025** (as the 90th day falls on a Sunday).

24 2. **Discovery Cut-Off Date** – the current discovery cut-off date, September 22,
25 2025, shall be extended ninety (90) days to Monday, **December 22, 2025** (as 90th day falls on a
26 Sunday).

27 3. **Dispositive Motions** – the current dispositive motions deadline, October 22,
28 2025, shall be extended to ninety (90) days to Tuesday, January 20, 2025.

1 4. **Pretrial Order** – if no dispositive motions are filed, the Joint Pretrial Order
 2 shall be filed thirty (30) days after the date set for the filing of the dispositive motions, which is
 3 Thursday, **February 19, 2026**. In the event dispositive motions are filed, the date for filing the Joint
 4 Pretrial Order shall be suspended until thirty (30) days after the decision on the dispositive motions
 5 or by further order of the Court.

6 **D. Good Cause Supports the Request to Extend the Deadlines as Set Forth Herein.**

7 When a stipulation requires the modification of the scheduling order, the parties must first
 8 satisfy the “good cause” standard established by Rule 16(b). See *Johnson v. Mammoth Recreations,*
 9 *Inc.*, 975 F.2d 604, 608 (9th Cir. 1992); see also Fed. R. Civ. P. 16(b)(4) (“A schedule may be
 10 modified only for good cause and with the judge’s consent”). The good cause inquiry is focused on
 11 the movant’s reasons for seeking to modify the scheduling order and primarily considers the
 12 movant’s diligence. *In re W. States Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d 716, 737 (9th Cir.
 13 2013). The key determination is whether the subject deadline “cannot reasonably be met despite the
 14 diligence of the party seeking the extension.” *Johnson*, 975 F.2d at 609. The Court considers whether
 15 relief from the scheduling order is sought based on the development of matters that could not have
 16 been reasonably anticipated at the time the schedule was established. *Jackson v. Laureate, Inc.*, 186
 17 *F.R.D. 605, 608 (E.D. Cal. 1999)*. Courts may also consider other pertinent circumstances, including
 18 whether the movant was diligent in seeking modification of the scheduling order once it became
 19 apparent that the movant required relief from the deadline at issue. *Sharp v. Covenant Care LLC*,
 20 288 F.R.D. 465, 467 (S.D. Cal. 2012). “The diligence obligation is ongoing” such that parties must
 21 “diligently attempt to adhere to [the deadlines in the scheduling order] throughout the subsequent
 22 course of the litigation.” *Id.*

23 Good cause supports the parties’ request to extend the Discovery Cut-Off, Expert
 24 Disclosures, Dispositive Motions, and Pretrial Order Deadlines. The parties continue to engage in
 25 discovery and intend to conduct significant discovery following the Early Neutral Evaluation
 26 (“ENE”), which was recently set to be conducted on July 11, 2025. See ECF No. 17. The parties
 27 are hopeful they may be able to resolve the dispute during the conference and seek an extension to
 28 the discovery deadlines to allow the parties to engage in confidential settlement discussions before

1 expending significant funds to conduct discovery. Considering the foregoing, the parties are unable
2 to complete depositions, expert and written discovery before the original discovery deadline.

3 The Parties submit that these circumstances satisfy the required good cause in extending the
4 deadlines referenced above.

5 The Parties hereby stipulate to the aforementioned.

6
7 /s/ Marian L. Massey

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18
19 **ORDER**

20 IT IS SO ORDERED:

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23 UNITED STATES MAGISTRATE JUDGE

24 DATED: 7/2/2025